

SB0190/582517/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 190  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Firearms** –” insert “**Untraceable and Undetectable, Use of Medical Cannabis, and**”; in the same line, strike “– **Use of Medical Cannabis**”; in line 3, after “of” insert “altering a certain definition of a regulated firearm to include a certain unfinished frame or receiver; requiring the Secretary of State Police to suspend a certain dealer’s license if the dealer is convicted of a certain violation; requiring the Secretary to revoke a certain dealer’s license if the dealer is convicted of a certain violation; expanding a certain provision of law to prohibit a person from obliterating, removing, changing, or altering a certain mark or number or any other mark of identification on a firearm or certain unfinished frame or receiver; authorizing a person to continue to possess a certain firearm or unfinished frame or receiver on or after a certain date under certain circumstances; prohibiting a person from transferring ownership of a certain firearm or unfinished frame or receiver on or after a certain date, with certain exceptions; requiring, on or after a certain date, a certain firearm or unfinished frame or receiver to be marked by a certain federally licensed firearms manufacturer or federally licensed firearms importer in a certain manner; requiring a certain serial number and other mark of identification to be engraved, cast, or stamped on a firearm frame or receiver or unfinished frame or receiver in a certain manner and to conform with certain requirements; requiring, on or after a certain date, a certain firearm or unfinished frame or receiver to be marked in a certain manner by a federally licensed firearms manufacturer before the firearm or unfinished frame or receiver is sold, offered for sale, or transferred in the State; requiring, on or after a certain date, a certain firearm or unfinished frame or receiver to be marked in a certain manner by a federally licensed firearms importer before the firearm or unfinished frame or receiver is imported or otherwise brought into the State; prohibiting a federally licensed firearms dealer from selling, offering to sell, or transferring a certain firearm or unfinished frame or receiver under certain”

(Over)

**SB0190/582517/1 House Judiciary Committee**  
**Amendments to SB 190**  
**Page 2 of 27**

circumstances on or after a certain date; requiring, on or after a certain date, a federally licensed firearms manufacturer, federally licensed firearms importer, and federally licensed firearms dealer to maintain a certain record log; prohibiting a person who is prohibited by law from manufacturing, assembling, owning, or possessing a firearm from knowingly soliciting, requesting, compelling, coercing, conspiring, facilitating, aiding, or abetting the manufacturing or assembling of a firearm or an unfinished frame or receiver; prohibiting a person from knowingly conspiring, facilitating, aiding, or abetting the manufacturing or assembling of a firearm or an unfinished frame or receiver for a person who is prohibited by law from manufacturing, assembling, owning, or possessing a firearm; prohibiting a person from manufacturing, assembling, possessing, selling, offering to sell, transferring, purchasing, or receiving a certain covert firearm or undetectable firearm; establishing certain penalties for violations of this Act; prohibiting a dealer or certain other person from selling, renting, or transferring an unfinished frame or receiver unless the purchaser, lessee, or transferee presents a certain handgun qualification license; authorizing a person to purchase, rent, or receive an unfinished frame or receiver only under certain circumstances; providing for the application of certain provisions of this Act; defining certain terms; making conforming changes; providing for a delayed effective date for certain provisions of this Act.”; after line 5, insert:

“BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 5–101(a) and (h) and 5–144  
Annotated Code of Maryland  
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 5–101(r), 5–114, 5–117.1, and 5–142  
Annotated Code of Maryland  
(2018 Replacement Volume and 2020 Supplement)”;

**SB0190/582517/1 House Judiciary Committee**  
**Amendments to SB 190**  
**Page 3 of 27**

in line 8, after “5–701” insert “through 5–707 to be under the new subtitle “Subtitle 7. Untraceable and Undetectable Firearms” and Section 5–801”; and in the same line, strike “7.” and substitute “8.”.

AMENDMENT NO. 2

On page 1, after line 13, insert:

“5–101.

(a) In this subtitle the following words have the meanings indicated.

(h) (1) “Firearm” means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

(ii) the frame or receiver of such a weapon.

(2) “Firearm” includes a starter gun.

(r) “Regulated firearm” means:

(1) a handgun; [or]

**(2) AN UNFINISHED FRAME OR RECEIVER, AS DEFINED IN § 5–701 OF THIS TITLE; OR**

**[(2)] (3) a firearm that is any of the following specific assault weapons or their copies, regardless of which company produced and manufactured that assault weapon:**

(i) American Arms Spectre da Semiautomatic carbine;

(Over)

**SB0190/582517/1 House Judiciary Committee**  
**Amendments to SB 190**  
**Page 4 of 27**

- (ii) AK-47 in all forms;
- (iii) Algimec AGM-1 type semi-auto;
- (iv) AR 100 type semi-auto;
- (v) AR 180 type semi-auto;
- (vi) Argentine L.S.R. semi-auto;
- (vii) Australian Automatic Arms SAR type semi-auto;
- (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;
- (ix) Barrett light.50 cal. semi-auto;
- (x) Beretta AR70 type semi-auto;
- (xi) Bushmaster semi-auto rifle;
- (xii) Calico models M-100 and M-900;
- (xiii) CIS SR 88 type semi-auto;
- (xiv) Claridge HI TEC C-9 carbines;
- (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle;
- (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;

**SB0190/582517/1 House Judiciary Committee**  
**Amendments to SB 190**  
**Page 5 of 27**

- (xvii) Dragunov Chinese made semi-auto;
- (xviii) Famas semi-auto (.223 caliber);
- (xix) Feather AT-9 semi-auto;
- (xx) FN LAR and FN FAL assault rifle;
- (xxi) FNC semi-auto type carbine;
- (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- (xxiii) Steyr-AUG-SA semi-auto;
- (xxiv) Galil models AR and ARM semi-auto;
- (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- (xxvi) Holmes model 88 shotgun;
- (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- (xxix) Mandell TAC-1 semi-auto carbine;
- (xxx) Mossberg model 500 Bullpup assault shotgun;
- (xxxi) Sterling Mark 6;
- (xxxii) P.A.W.S. carbine;

(Over)

**SB0190/582517/1 House Judiciary Committee**  
**Amendments to SB 190**  
**Page 6 of 27**

- (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- (xxxiv) SIG 550/551 assault rifle (.223 caliber);
- (xxxv) SKS with detachable magazine;
- (xxxvi) AP-74 Commando type semi-auto;
- (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;
- (xxxviii) Street sweeper assault type shotgun;
- (xxxix) Striker 12 assault shotgun in all formats;
- (xl) Unique F11 semi-auto type;
- (xli) Daewoo USAS 12 semi-auto shotgun;
- (xlii) UZI 9mm carbine or rifle;
- (xliii) Valmet M-76 and M-78 semi-auto;
- (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
- (xlv) Wilkinson Arms 9mm semi-auto "Terry".

5-114.

- (a) (1) The Secretary shall suspend a dealer's license if the licensee:

(i) is under indictment for a crime of violence; [or]

(ii) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm; OR

**(III) IS CONVICTED OF A FIRST VIOLATION UNDER SUBTITLE 7 OF THIS TITLE.**

(2) (i) The Secretary may suspend a dealer's license if the licensee is not in compliance with the record keeping and reporting requirements of § 5-145 of this subtitle.

(ii) The Secretary may lift a suspension under this paragraph after the licensee provides evidence that the record keeping violation has been corrected.

(b) The Secretary shall revoke a dealer's license if:

(1) it is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or

(2) the licensee:

(i) is convicted of a disqualifying crime;

(ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

(Over)

SB0190/582517/1 House Judiciary Committee  
Amendments to SB 190  
Page 8 of 27

(v) is addicted to a controlled dangerous substance or is a habitual user;

(vi) has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;

(vii) has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 5-406 of this title; [or]

(viii) has knowingly or willfully participated in a straw purchase of a regulated firearm; OR

**(IX) IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION UNDER SUBTITLE 7 OF THIS TITLE, IF THE SECOND OR SUBSEQUENT VIOLATION DOES NOT STEM FROM THE SAME SALE OR TRANSFER OF A REGULATED FIREARM AS THE FIRST VIOLATION.**

(c) If the Secretary suspends or revokes a dealer's license, the Secretary shall notify the licensee in writing of the suspension or revocation.

(d) A person whose dealer's license is suspended or revoked may not engage in the business of selling, renting, or transferring regulated firearms, unless the suspension or revocation has been subsequently withdrawn by the Secretary or overruled by a court in accordance with § 5-116 of this subtitle.

(a) A person may not obliterate, remove, change, or alter the manufacturer's identification mark or number OR ANY OTHER MARK OF IDENTIFICATION on a firearm OR AN UNFINISHED FRAME OR RECEIVER, AS DEFINED IN § 5-701 OF THIS TITLE.

(b) If on trial for a violation of this section possession of the firearm by the defendant is established, the defendant is presumed to have obliterated, removed, changed, or altered the manufacturer's identification mark or number OR OTHER MARK OF IDENTIFICATION on the firearm OR UNFINISHED FRAME OR RECEIVER.

5-144.

(a) Except as otherwise provided in this subtitle, a dealer or other person may not:

(1) knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle; or

(2) knowingly violate § 5-142 of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(c) Each violation of this section is a separate crime.

SUBTITLE 7. UNTRACEABLE AND UNDETECTABLE FIREARMS.

5-701.

(Over)

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ANTIQUE FIREARM” HAS THE MEANING STATED IN § 4-201 OF THE CRIMINAL LAW ARTICLE.

(C) “DEALER’S LICENSE” HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

(D) “FEDERALLY LICENSED FIREARMS DEALER” MEANS A PERSON LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES TO DEAL FIREARMS.

(E) “FEDERALLY LICENSED FIREARMS IMPORTER” MEANS A PERSON LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES TO IMPORT FIREARMS.

(F) “FEDERALLY LICENSED FIREARMS MANUFACTURER” MEANS A PERSON LICENSED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES TO MANUFACTURE FIREARMS.

(G) “FIREARM” HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

(H) “HANDGUN QUALIFICATION LICENSE” HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

(I) “MANUFACTURE OR ASSEMBLE” MEANS TO:

(1) FABRICATE OR CONSTRUCT A FIREARM OR AN UNFINISHED FRAME OR RECEIVER; OR

(2) FIT TOGETHER THE COMPONENT PARTS OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER TO CONSTRUCT A FIREARM OR AN UNFINISHED FRAME OR RECEIVER.

(J) (1) “UNFINISHED FRAME OR RECEIVER” MEANS A PRODUCT THAT IS INTENDED OR DESIGNED TO SERVE AS THE FRAME OR RECEIVER, INCLUDING THE LOWER RECEIVER, OF A FIREARM, BUT IS IN AN UNFINISHED STATE OF MANUFACTURE.

(2) “UNFINISHED FRAME OR RECEIVER” INCLUDES A BLANK, CASTING, OR MACHINED BODY THAT REQUIRES MODIFICATION, SUCH AS MACHINING, DRILLING, FILING, OR MOLDING, TO BE USED AS PART OF A FUNCTIONAL FIREARM, IF IT DOES NOT INCLUDE A PIECE OF MATERIAL THAT HAS:

(I) BEEN ALTERED IN SIZE OR EXTERNAL SHAPE SOLELY TO FACILITATE TRANSPORTATION OR STORAGE; OR

(II) UNDERGONE AN ALTERATION IN CHEMICAL COMPOSITION.

5-702.

THIS SUBTITLE DOES NOT APPLY TO:

(1) A FIREARM MANUFACTURED BEFORE 1968;

(Over)

**(2) AN ANTIQUE FIREARM;**

**(3) A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT IS REQUIRED BY FEDERAL LAW AND REGULATION TO BE ENGRAVED, CAST, OR STAMPED WITH A SERIAL NUMBER AND HAS BEEN ENGRAVED, CAST, OR STAMPED WITH A SERIAL NUMBER IN ACCORDANCE WITH ALL FEDERAL LAWS AND REGULATIONS;**

**(4) SALES, OFFERS TO SELL, TRANSFERS, OR POSSESSION OF FIREARMS OR UNFINISHED FRAMES OR RECEIVERS BY OR BETWEEN FEDERALLY LICENSED FIREARMS DEALERS, FEDERALLY LICENSED FIREARMS MANUFACTURERS, OR FEDERALLY LICENSED FIREARMS IMPORTERS; OR**

**(5) THE TRANSFERRING OR SURRENDERING OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER TO A LAW ENFORCEMENT AGENCY.**

**5-703.**

**(A) ON OR AFTER JANUARY 1, 2022, A PERSON MAY CONTINUE TO POSSESS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT THE PERSON MANUFACTURED OR ASSEMBLED AND LAWFULLY POSSESSED BEFORE JANUARY 1, 2022, IF:**

**(1) THE FIREARM OR UNFINISHED FRAME OR RECEIVER IS MARKED WITH A UNIQUE SERIAL NUMBER THAT:**

**(i) INDICATES:**

1. THE MODEL OF THE FIREARM OR UNFINISHED FRAME OR RECEIVER, IF SUCH DESIGNATION HAS BEEN MADE;

2. THE CALIBER OR GAUGE; AND

3. THE FULL LEGAL NAME AND CITY OF THE PERSON POSSESSING THE FIREARM OR UNFINISHED FRAME OR RECEIVER.

(II) IS CONSPICUOUSLY AND PERMANENTLY ENGRAVED, CAST, OR STAMPED ANYWHERE ON THE FIREARM; AND

(III) CONFORMS WITH THE REQUIREMENTS IMPOSED ON FEDERALLY LICENSED FIREARMS MANUFACTURERS AND FEDERALLY LICENSED FIREARMS IMPORTERS UNDER 18 U.S.C. § 923(I); AND

(2) THE PERSON MAINTAINS A RECORD LOG THAT INCLUDES:

(I) ALL UNIQUE SERIAL NUMBERS ENGRAVED, CAST, OR STAMPED ON THE FIREARM; AND

(II) THE DATE THE FIREARM WAS CONSPICUOUSLY AND PERMANENTLY ENGRAVED, CAST, OR STAMPED.

(B) ON OR AFTER JANUARY 1, 2022, A PERSON MAY NOT TRANSFER THE OWNERSHIP OF A FIREARM OR UNFINISHED FRAME OR RECEIVER THAT THE PERSON MANUFACTURED OR ASSEMBLED AND LAWFULLY POSSESSED BEFORE JANUARY 1, 2022, THAT IS MARKED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, UNLESS THE TRANSFER OF OWNERSHIP IS MADE TO:

(Over)

(1) ANOTHER FAMILY MEMBER WHO POSSESSES A VALID HANDGUN QUALIFICATION LICENSE ISSUED UNDER § 5-117.1 OF THIS TITLE; OR

(2) A LAW ENFORCEMENT AGENCY.

5-704.

(A) EXCEPT AS PROVIDED IN § 5-703 OF THIS SUBTITLE, ON OR AFTER JANUARY 1, 2022, A FIREARM OR AN UNFINISHED FRAME OR RECEIVER SHALL BE MARKED BY A FEDERALLY LICENSED FIREARMS MANUFACTURER OR FEDERALLY LICENSED FIREARMS IMPORTER:

(1) WITH A UNIQUE SERIAL NUMBER; AND

(2) TO INDICATE:

(I) THE MODEL OF THE FIREARM OR UNFINISHED FRAME OR RECEIVER, IF SUCH DESIGNATION HAS BEEN MADE;

(II) THE CALIBER OR GAUGE;

(III) IF THE PRODUCT WAS MANUFACTURED OR ASSEMBLED IN THE STATE, THE FULL LEGAL NAME AND CITY OF THE MANUFACTURER; AND

(IV) IF THE PRODUCT WAS MANUFACTURED OR ASSEMBLED OUTSIDE THE STATE AND SUBSEQUENTLY IMPORTED OR OTHERWISE BROUGHT INTO THE STATE, THE FULL LEGAL NAME AND CITY OF THE ENTITY THAT IMPORTED OR BROUGHT THE PRODUCT INTO THE STATE AND THE STATE OR COUNTRY OF ORIGIN.

**(B) EACH SERIAL NUMBER AND OTHER MARK OF IDENTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

**(1) BE CONSPICUOUSLY AND PERMANENTLY ENGRAVED, CAST, OR STAMPED ON THE FIREARM FRAME OR RECEIVER OR UNFINISHED FRAME OR RECEIVER; AND**

**(2) CONFORM WITH THE REQUIREMENTS IMPOSED ON FEDERALLY LICENSED FIREARMS MANUFACTURERS AND FEDERALLY LICENSED FIREARMS IMPORTERS UNDER 18 U.S.C. § 923(I).**

**(C) ON OR AFTER JANUARY 1, 2022, EXCEPT AS PROVIDED IN § 5-703 OF THIS SUBTITLE:**

**(1) A FIREARM OR AN UNFINISHED FRAME OR RECEIVER SHALL BE MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION BY A FEDERALLY LICENSED FIREARMS MANUFACTURER BEFORE THE FIREARM OR UNFINISHED FRAME OR RECEIVER IS SOLD, OFFERED FOR SALE, OR TRANSFERRED IN THE STATE;**

**(2) A FIREARM OR UNFINISHED FRAME OR RECEIVER SHALL BE MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION BY A FEDERALLY LICENSED FIREARMS IMPORTER BEFORE THE FIREARM OR UNFINISHED FRAME OR RECEIVER IS IMPORTED OR OTHERWISE BROUGHT INTO THE STATE;**

**(3) A FEDERALLY LICENSED FIREARMS DEALER MAY NOT SELL, OFFER TO SELL, OR TRANSFER A FIREARM OR AN UNFINISHED FRAME OR**

(Over)

RECEIVER THAT HAS NOT BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION;

(4) A PERSON WHO SELLS OR TRANSFERS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION SHALL KEEP RECORDS OF THE TRANSFER OR SALE, INCLUDING THE SERIAL NUMBER OF THE PRODUCT, THE NAME AND ADDRESS OF THE PERSON RECEIVING THE PRODUCT, THE DATE OF THE TRANSFER OR SALE, AND THE HANDGUN QUALIFICATION LICENSE NUMBER OF THE PERSON RECEIVING THE PRODUCT, AND SHALL MAKE THE RECORDS AVAILABLE TO A LAW ENFORCEMENT OFFICER ON REQUEST; AND

(5) A PERSON MAY NOT POSSESS A FIREARM OR AN UNFINISHED FRAME OR RECEIVER THAT HAS NOT BEEN MARKED IN ACCORDANCE WITH SUBSECTIONS (A) AND (B) OF THIS SECTION.

5-705.

(A) A PERSON WHO IS PROHIBITED BY LAW FROM MANUFACTURING, ASSEMBLING, OWNING, OR POSSESSING A FIREARM MAY NOT KNOWINGLY SOLICIT, REQUEST, COMPEL, COERCE, CONSPIRE, FACILITATE, AID, OR ABET THE MANUFACTURING OR ASSEMBLING OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER.

(B) A PERSON MAY NOT KNOWINGLY CONSPIRE, FACILITATE, AID, OR ABET THE MANUFACTURING OR ASSEMBLING OF A FIREARM OR AN UNFINISHED FRAME OR RECEIVER FOR A PERSON WHO IS PROHIBITED BY LAW FROM MANUFACTURING, ASSEMBLING, OWNING, OR POSSESSING A FIREARM.

(C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE CRIME.

5-706.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COVERT FIREARM" MEANS A FIREARM THAT IS CONSTRUCTED IN A SHAPE OR CONFIGURATION THAT A REASONABLE PERSON WOULD NOT IMMEDIATELY RECOGNIZE TO BE A FIREARM.

(3) "SECURITY EXEMPLAR" HAS THE MEANING STATED IN 18 U.S.C. 10 § 922(P).

(4) "UNDETECTABLE FIREARM" MEANS A FIREARM:

(I) THAT, AFTER REMOVAL OF GRIPS, STOCKS, AND MAGAZINES, IS NOT DETECTABLE BY A METAL DETECTOR CALIBRATED AND OPERATED TO DETECT A SECURITY EXEMPLAR; OR

(II) OF WHICH THE SLIDE, CYLINDER, FRAME, RECEIVER, OR BARREL, WHEN SUBJECTED TO INSPECTION BY AN X-RAY MACHINE THAT IS OF A TYPE COMMONLY USED AT AIRPORTS, DOES NOT GENERATE AN IMAGE THAT ACCURATELY DEPICTS THE SHAPE OF THE SLIDE, CYLINDER, FRAME, RECEIVER, OR BARREL.

(Over)

**(B) A PERSON MAY NOT:**

**(1) MANUFACTURE OR ASSEMBLE A COVERT FIREARM OR AN UNDETECTABLE FIREARM; OR**

**(2) POSSESS, SELL, OFFER TO SELL, TRANSFER, PURCHASE, OR RECEIVE A COVERT FIREARM OR AN UNDETECTABLE FIREARM.**

**5-707.**

**EXCEPT AS PROVIDED IN § 5-705 OF THIS SUBTITLE, A PERSON WHO VIOLATES THIS SUBTITLE:**

**(1) FOR A FIRST VIOLATION, IS GUILTY OF A CIVIL OFFENSE AND ON CONVICTION SHALL BE FINED NOT LESS THAN \$1,000 BUT NOT EXCEEDING \$2,500; AND**

**(2) FOR A SUBSEQUENT VIOLATION, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

**SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:**

**Article – Public Safety**

**5-117.1.**

**(A) IN THIS SECTION, “UNFINISHED FRAME OR RECEIVER” HAS THE MEANING STATED IN § 5-701 OF THIS TITLE.**

**[(a)] (B) This section does not apply to:**

- (1) a licensed firearms manufacturer;**
- (2) a law enforcement officer or person who is retired in good standing from service with a law enforcement agency of the United States, the State, or a local law enforcement agency of the State;**
- (3) a member or retired member of the armed forces of the United States or the National Guard; or**
- (4) a person purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives.**

**[(b)] (C) A dealer or any other person may not sell, rent, or transfer a handgun OR AN UNFINISHED FRAME OR RECEIVER to a purchaser, lessee, or transferee unless the purchaser, lessee, or transferee presents to the dealer or other person a valid handgun qualification license issued to the purchaser, lessee, or transferee by the Secretary under this section.**

**[(c)] (D) A person may purchase, rent, or receive a handgun OR AN UNFINISHED FRAME OR RECEIVER only if the person:**

- (1) (i) possesses a valid handgun qualification license issued to the person by the Secretary in accordance with this section;**

(Over)

**SB0190/582517/1 House Judiciary Committee**  
**Amendments to SB 190**  
**Page 20 of 27**

(ii) possesses valid credentials from a law enforcement agency or retirement credentials from a law enforcement agency;

(iii) is an active or retired member of the armed forces of the United States or the National Guard and possesses a valid military identification card;  
or

(iv) is purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(2) is not otherwise prohibited from purchasing or possessing a handgun under State or federal law.

[(d)] (E) Subject to subsections [(f)] (G) and [(g)] (H) of this section, the Secretary shall issue a handgun qualification license to a person who the Secretary finds:

(1) is at least 21 years old;

(2) is a resident of the State;

(3) except as provided in subsection [(e)] (F) of this section, has demonstrated satisfactory completion, within 3 years prior to the submission of the application, of a firearms safety training course approved by the Secretary that includes:

(i) a minimum of 4 hours of instruction by a qualified handgun instructor;

(ii) classroom instruction on:

1. State firearm law;

2. home firearm safety; and

3. handgun mechanisms and operation; and

(iii) a firearms orientation component that demonstrates the person's safe operation and handling of a firearm; and

(4) based on an investigation, is not prohibited by federal or State law from purchasing or possessing a handgun.

[(e)] (F) An applicant for a handgun qualification license is not required to complete a firearms safety training course under subsection [(d)] (E) of this section if the applicant:

(1) has completed a certified firearms training course approved by the Secretary;

(2) has completed a course of instruction in competency and safety in the handling of firearms prescribed by the Department of Natural Resources under § 10-301.1 of the Natural Resources Article;

(3) is a qualified handgun instructor;

(4) is an honorably discharged member of the armed forces of the United States or the National Guard;

(5) is an employee of an armored car company and has a permit issued under Title 5, Subtitle 3 of this article; or

(6) lawfully owns a regulated firearm.

(Over)

[(f)] (G)      (1)      In this subsection, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2)      The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a handgun qualification license.

(3)      As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(i)      a complete set of the applicant’s legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii)      the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii)      the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4)      The Central Repository shall provide a receipt to the applicant for the fees paid in accordance with paragraph (3)(ii) and (iii) of this subsection.

(5)      In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant’s criminal history information.

(6)      Information obtained from the Central Repository under this section:

(i)      is confidential and may not be disseminated; and

**SB0190/582517/1 House Judiciary Committee**  
**Amendments to SB 190**  
**Page 23 of 27**

(ii) shall be used only for the licensing purpose authorized by this section.

(7) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Department of State Police Licensing Division a revised printed statement of the applicant's or licensee's State criminal history record.

**[g] (H)** An applicant for a handgun qualification license shall submit to the Secretary:

(1) an application in the manner and format designated by the Secretary;

(2) a nonrefundable application fee to cover the costs to administer the program of up to \$50;

(3) (i) proof of satisfactory completion of:

1. a firearms safety training course approved by the Secretary; or

2. a course of instruction in competency and safety in the handling of firearms prescribed by the Department of Natural Resources under § 10-301.1 of the Natural Resources Article; or

(ii) a valid firearms instructor certification;

(4) any other identifying information or documentation required by the Secretary; and

(Over)

**SB0190/582517/1 House Judiciary Committee**  
**Amendments to SB 190**  
**Page 24 of 27**

(5) a statement made by the applicant under the penalty of perjury that the applicant is not prohibited under federal or State law from possessing a handgun.

[(h)] (I) (1) Within 30 days after receiving a properly completed application, the Secretary shall issue to the applicant:

(i) a handgun qualification license if the applicant is approved;  
or

(ii) a written denial of the application that contains:

1. the reason the application was denied; and
2. a statement of the applicant's appeal rights under subsection [(l)] (M) of this section.

(2) (i) An individual whose fingerprints have been submitted to the Central Repository, and whose application has been denied, may request that the record of the fingerprints be expunged by obliteration.

(ii) Proceedings to expunge a record under this paragraph shall be conducted in accordance with § 10–105 of the Criminal Procedure Article.

(iii) On receipt of an order to expunge a fingerprint record, the Central Repository shall expunge by obliteration the fingerprints submitted as part of the application process.

(iv) An individual may not be charged a fee for the expungement of a fingerprint record in accordance with this paragraph.

[(i)] (J) A handgun qualification license issued under this section expires 10 years from the date of issuance.

[(j)] (K) (1) The handgun qualification license may be renewed for successive periods of 10 years each if, at the time of an application for renewal, the applicant:

(i) possesses the qualifications for the issuance of the handgun qualification license; and

(ii) submits a nonrefundable application fee to cover the costs to administer the program up to \$20.

(2) An applicant renewing a handgun qualification license under this subsection is not required to:

(i) complete the firearms safety training course required in subsection [(d)(3)] (E)(3) of this section; or

(ii) submit to a State and national criminal history records check as required in subsection [(f)] (G) of this section.

[(k)] (L) (1) The Secretary may revoke a handgun qualification license issued or renewed under this section on a finding that the licensee no longer satisfies the qualifications set forth in subsection [(d)] (E) of this section.

(2) A person holding a handgun qualification license that has been revoked by the Secretary shall return the license to the Secretary within 5 days after receipt of the notice of revocation.

[(l)] (M) (1) A person whose original or renewal application for a handgun qualification license is denied or whose handgun qualification license is revoked, may

**SB0190/582517/1 House Judiciary Committee**  
**Amendments to SB 190**  
**Page 26 of 27**

submit a written request to the Secretary for a hearing within 30 days after the date the written notice of the denial or revocation was sent to the aggrieved person.

(2) A hearing under this section shall be granted by the Secretary within 15 days after the request.

(3) A hearing and any subsequent proceedings of judicial review under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(4) A hearing under this section shall be held in the county of the legal residence of the aggrieved person.

~~[(m)] (N)~~ (1) If an original or renewal handgun qualification license is lost or stolen, a person may submit a written request to the Secretary for a replacement license.

(2) Unless the applicant is otherwise disqualified, the Secretary shall issue a replacement handgun qualification license on receipt of a written request and a nonrefundable fee to cover the cost of replacement up to \$20.

~~[(n)] (O)~~ The Secretary may adopt regulations to carry out the provisions of this section.”.

AMENDMENT NO. 3

On page 1, in line 14, strike “7.” and substitute “8.”; and in line 15, strike “5-701.” and substitute “5-801.”.

On page 2, after line 1, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2022.”;

**SB0190/582517/1      House Judiciary Committee**  
**Amendments to SB 190**  
**Page 27 of 27**

in line 2, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, except as provided in Section 3 of this Act.”.